

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4403

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TERRY RAYNARD GARDNER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-00-381)

Submitted: October 18, 2001

Decided: October 25, 2001

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Benjamin H. White, Jr., United States Attorney, Robert A.J. Lang, Assistant United States Attorney, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Terry Raynard Gardner appeals his sentence pursuant to a guilty plea for possession of a firearm after having been convicted of a felony in violation of 18 U.S.C.A. § 922(g)(1) (West 2000). Gardner's attorney filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating there are no meritorious issues for appeal. On Gardner's behalf, counsel contends the district court misapplied the United States Sentencing Guidelines to reach an improperly severe sentence. Although notified of his right to file a pro se supplemental brief, Gardner has not done so.

We have reviewed the entire record in this case in accordance with the requirements of Anders and find no error in the district court's application of the Sentencing Guidelines and no meritorious issues for appeal. We therefore affirm.

Finally, we deny counsel's motion to withdraw and require that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If Gardner requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Gardner. We dispense with oral argument because the facts and legal contentions are adequate-

ly presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED